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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,697	10/20/2003	Kazuo Kaneko	00862.023288.	2836
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EXAMINER				
PHAM, LINH K				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/687,697

**Applicant(s)**

KANEKO ET AL.

**Examiner**

LINH K. PHAM

**Art Unit**

2174

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 4, 6, 11-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 11-17, and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to the Amendment filed on 05/01/2008.
2. Claims 1, 3-4, 6, 11-17, and 19 are pending in this application. In the instant Amendment, claims 2, 5, 7-10, 18, and 20-26 were cancelled; claims 1, 3-4, 6, 11-17, and 19 were amended; claims 1 and 17 are independent claims. **This action is made Final.**
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Priority*

4. Applicant is reminded that in order for a patent issuing on the instant application to obtain the benefit of priority based on priority papers filed in parent Application No. Japan 2002-305832, filed on 10/21/2002 under 35 U.S.C. 119(a)-(d) or (f), a claim for such foreign priority must be timely made in this application. To satisfy the requirement of 37 CFR 1.55(a)(2) for a certified copy of the foreign application, applicant may simply identify the application containing the certified copy.

#### *Claim Rejections - 35 USC § 103*

5. **Claims 1, 3-4, 6, 11, 16-17, and 19 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Pearson et al., ("Pearson", US 2003/0103608) in view of Bernard et al., ("Bernard", US. 5,918,213).

**Regarding claim 1**, Pearson teaches information processing apparatus (*para. 0022; Fig. 1; call processing system 3*) comprising:

a manipulation procedure database (*para. 0027; Fig. 1, voice menu database 11*) in which manipulation procedures selectable by a user are described hierarchically (*para. 0009; plurality of menu options are stored in a memory of the voice response system; paras. 0008, 0022, and 0026-0029; Figs. 2-4; call processing system 3 audibly presents or otherwise transmits a plurality of menu messages for a level within the voice menu hierarchy*);

a voice output unit which outputs voice information regarding the manipulation procedures (*para. 0027; Fig. 2; call processing system 3, with control unit 7 and voice menu database 11, plays a first menu level message back to the caller to indicate which buttons begin a respective path through the hierarchical menu*);

a determination unit (*para. 0026; Fig. 2; voice analysis unit 15*) which determines a manipulation procedure selected by the user (*paras. 0026-0027; Figs. 1-2; voice analysis unit 15 enables a caller 1 to provide verbal inputs in the form of a code word or a phrase related to an option message*) while the voice output unit is outputting the voice information (*paras. 0025-0027; Figs. 2-4; the caller will be prompted with the following six option messages: 'For sales press 1'; 'For customer service press 2'; 'For questions about your bill press 3'; 'To place an order press 4'; 'For questions on an existing order press 5'; and 'To leave a message press 6'*); and

a control unit (*Fig. 1, control unit 7*) which, if a manipulation procedure contained in a hierarchy lower than a present hierarchy containing the determined manipulation procedure

exists (*paras. 0032-0033; Figs. 1-5; a call is processed with a menu system of voice options in which the caller can selectively cause call processing system 3 to present a sequential subset of option messages starting at a selected option message*), controls said voice output unit to output voice information regarding the manipulation procedure contained in the hierarchy lower than the present hierarchy (*paras. 0022-0025 and 0032-0033; Figs. 1-5; call processing system 3 may further include a menu action database 13 that retraining a plurality of specific actions or commands logically mapped to each option message for execution by control unit 7*); and

Pearson teaches all limitation as recited above, but does not explicitly disclose if a manipulation procedure of contained in a hierarchy lower in order than said the present hierarchy unit does not exist controls the voice output unit to output voice information regarding a manipulation procedure contained in a top hierarchy different from a top hierarchy of the present hierarchy.

However, Bernard teaches a system for automated remote previewing of music wherein if a manipulation procedure of contained in a hierarchy lower in order than said the present hierarchy unit does not exist (*col. 40, lines 44-51; Fig. 26; at step 2612 a system will determine a input number which is valid or invalid*) controls the voice output unit to output voice information regarding a manipulation procedure contained in a top hierarchy different from a top hierarchy of the present hierarchy (*col. 41, lines 11-35; Fig. 27; in steps 2704-2724 if the input number is invalid a voice response unit (VRU) 104 will be asked a caller reenter again*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Bernard with the apparatus of Pearson in order to provide an automated product purchasing system that allows customers to shop for and purchase products via a remote communications medium in an automated fashion (*col. 3, lines 8-13*)

**Regarding claim 3,** Pearson and Bernard teach the information processing apparatus according to claim 1.

Bernard further teaches if no manipulation procedure is selected in the present hierarchy, the control unit selects a manipulation procedure contained in a hierarchy higher than the present hierarchy and controls the voice output unit to output voice information regarding the selected manipulation procedure (*col. 34, lines 44-67 to col. 35, lines 1-7; Figs. 17 and 18; if no response from the caller, the VRU 104 will be repeat the menu by step 1820; if there is still no response from the caller, the VRU 104 will be forwarded the caller to help routine by step 1824*); and

Pearson further teaches the manipulation procedure in selected by the control unit is set in advance (*paras. 0029 and 0034; control unit 7 is enabled to access the system memory for eventual playback of the selected options to the caller*).

**Regarding claim 4,** Pearson and Bernard teach the information processing apparatus according to claim 1.

Bernard further teaches if the determination unit receives a user's instruction indicating return during the time in which the voice output unit is outputting voice information said

control unit controls said voice output unit to output voice information regarding a manipulation procedure immediately selected before a manipulation procedure corresponding to the voice information being outputted presently (*col. 35, lines 35-43; col. 36, lines 44-51; Figs. 19-20A; wherein at least step 1928 and 2028D, 'hit return key to return to the main menu'*).

**Regarding claim 6**, Pearson and Bernard teach the information processing apparatus according to claim 1.

Pearson further teaches if the determination unit receives a user's instruction to transfer to a hierarchy lower than the present hierarchy during the time in which the voice output unit is outputting voice information regarding a manipulation procedure contained in the present hierarchy (*para. 0034; Figs. 3 and 5, steps 205 and 305*), the control unit controls the voice output unit to stop the output of the voice information, selects a manipulation procedure contained in the hierarchy lower than the present hierarchy and controls the voice output unit to output voice information regarding the selected manipulation procedure (*para. 0034; Figs. 3 and 5, steps 205 and 305*), and wherein the manipulation procedure selected by the control unit is set in advance (*paras. 0029 and 0034; control unit 7 is enabled to access the system memory for eventual playback of the selected options to the caller*).

**Regarding claim 11**, Pearson and Bernard teach the information processing apparatus according to claim 1.

Pearson further teaches the voice information expresses a manipulation procedure name selectable by the user (*para. 0022; Figs. 1-2; each menu level message is composed of a plurality of option messages or user selectable options 101, 102, 103, 104, 105, 106 and 107 that are formed in a way that enables direct access to each option contained within a menu level message*).

**Regarding claim 16**, Pearson and Bernard teach the information processing apparatus according to claim 1.

Bernard further teaches the control unit controls the voice output unit to repeatedly output voice information regarding a manipulation procedure contained in a predetermined hierarchy when the present hierarchy is the predetermined hierarchy until any manipulation procedure is selected or the present hierarchy is performed transferred (*col. 34, lines 66-67 to col. 35, lines 1-7; Fig. 18; col. 35, lines 35-43; Fig. 19; caller 182 can hit the pound (#) key to return to the main menu, as illustrated by input step 1928, or the "6" key to order the title from which the song is being played, as illustrated by input step 1932; col. 36, lines 44-51; Fig. 20A; Step 2028D*).

**Regarding claim 17**, Person teaches a method of controlling an information processing apparatus which comprises a manipulation procedure database (*para. 0027; Fig. 1, voice menu database 11*) in which manipulation procedures selectable by a user are described hierarchically (*para. 0009; plurality of menu options are stored in a memory of the voice response system; paras. 0008, 0022, and 0026-0029; Figs. 2-4; call processing system 3*



*audibly presents or otherwise transmits a plurality of menu messages for a level within the voice menu hierarchy), and a voice output unit outputs voice information regarding the manipulation procedures (para. 0027; Fig. 2; call processing system 3, with control unit 7 and voice menu database 11, plays a first menu level message back to the caller to indicate which buttons begin a respective path through the hierarchical menu), the method comprising the steps of:*

*determining a manipulation procedure selected by the user while the voice output unit (para. 0026; Fig. 2; voice analysis unit 15; paras. 0026-0027; Figs. 1-2; voice analysis unit 15 enables a caller 1 to provide verbal inputs in the form of a code word or a phrase related to an option message) is outputting the voice information (paras. 0025-0027; Figs. 2-4; the caller will be prompted with the following six option messages: 'For sales press 1'; 'For customer service press 2'; 'For questions about your bill press 3'; 'To place an order press 4'; 'For questions on an existing order press 5'; and 'To leave a message press 6');*

*controlling, if a manipulation procedure contained in a hierarchy lower than a present hierarchy containing the determined manipulation procedure exists (paras. 0032-0033; Figs. 1-5; a call is processed with a menu system of voice options in which the caller can selectively cause call processing system 3 to present a sequential subset of option messages starting at a selected option message), the voice output unit to output voice information regarding the manipulation procedure contained in the hierarchy lower than the present hierarchy (paras. 0022-0025 and 0032-0033; Figs. 1-5; call processing system 3 may further*

*include a menu action database 13 that retrains a plurality of specific actions or commands logically mapped to each option message for execution by control unit 7); and*

Pearson teaches all limitations as recited above, but does not explicitly disclose controlling, if a manipulation procedure of contained in a hierarchy lower than the present hierarchy containing the determined manipulation procedure does not exist, the voice output unit to output voice information regarding a manipulation procedure contained in a top hierarchy different from a top hierarchy of the present hierarchy.

However, Bernard teaches a system for automated remote previewing of music wherein controlling, if a manipulation procedure of contained in a hierarchy lower than the present hierarchy containing the determined manipulation procedure does not exist (*col. 40, lines 44-51; Fig. 26; at step 2612 a system will determine a input number which is valid or invalid*), the voice output unit to output voice information regarding a manipulation procedure contained in a top hierarchy different from a top hierarchy of the present hierarchy (*col. 41, lines 11-35; Fig. 27; in steps 2704-2724 if the input number is invalid a voice response unit (VRU) 104 will be asked a caller reenter again*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Bernard with the apparatus of Pearson in order to provide an automated product purchasing system that allows customers to shop for and purchase products via a remote communications medium in an automated fashion (*col. 3, lines 8-13*)

**Regarding claim 19**, is similar scope to claim 17, and is therefore rejected under similar rationale.

6. **Claims 12-14 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Pearson and Bernard, as applied to claim 1 above, and further in view of Tanaka, (US 2005/0250530).

**Regarding claim 12**, Pearson and Bernard teach the information processing apparatus according to claim 1, but do not explicitly disclose a plurality of buttons which are associated with different instructions, respectively, and correspond to a plurality of fingers of the user; and a detection unit which detects that which of the plurality of buttons is depressed by the user, wherein the determination unit determines a manipulation procedure selected by the user based on the depressed button detected by the detection unit.

However, Tanaka teaches an input unit for portable telephone, wherein a plurality of buttons which are associated with different instructions, respectively, and correspond to a plurality of fingers of the user (*paras 0037-0038, the function of fingers in which each finger of the ten fingers differentiates a plurality of keys*); and

a detection unit which detects that which of the plurality of buttons is depressed by the user, wherein the determination unit determines a manipulation procedure selected by the user based on the depressed button detected by the detection unit (*paras. 0037-0038, the function of fingers in which each finger of the ten fingers differentiates a plurality of keys to press the key*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Tanaka with the method of Pearson and Bernard in order to provide

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the function of fingers in which each finger of the ten fingers differentiates a plurality of keys to press the key (*para. 0038*).

**Regarding claim 13**, Pearson, Bernard, and Tanaka teach the information processing apparatus according to claim 12.

Tanaka further teaches the user can depress said the plurality of buttons can be operated with while positions of the plurality of fingers are fixed on the plurality of buttons, respectively (*para. 0038; the function of finger in which each finger of the ten fingers differentiates a plural of keys*).

**Regarding claim 14**, Pearson, Bernard, and Tanaka teach the information processing apparatus according to claim 12.

Tanaka further teaches said plurality of buttons are allocated to a part of a ten key of the apparatus (*para. 0008; Fig. 3 and paras. 0142-0143; the keys 31, 32, 33, and 34 known as the buttons*).

7. **Claim 15 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Pearson and Bernard, as applied to claim 1 above, and further in view of Eghtesadi et al., (“Eghtesadi”, US 6,243,682) .

**Regarding claim 15**, Pearson and Bernard teach the information processing apparatus according to claim 1, but do not explicitly disclose the information processing apparatus is a

copying machine and the manipulation procedures correspond to setting functions for a copying operation of the copying machine.

However, Eghtesadi teaches universal access photocopier wherein the information processing apparatus is a copying machine (*col. 2, lines 24-64; Fig. 1, photocopier machine 18 known as copying machine*) and the manipulation procedures correspond to setting functions for a copying operation of the copying machine (*col. 1, lines 31-67 to col. 2, lines 1-6, a plurality of commands will be executed by user and a user can access by voice command any function from any screen; col. 2, lines 24-67 to col. 3, lines 1-4; Fig. 1*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Eghtesadi with the method of Pearson and Bernard in order to provide a user with means for a help menu which uses the photocopier voice output to inform the user of specific information about different photocopier functions (*col. 2 lines 66-67 to col. 2, line 1*).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 3-4, 6, 11-17, and 19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh K. Pham whose telephone number is (571) 270-3230. The examiner can normally be reached on Monday to Thursday from 7:30AM to 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SY D. LUU/

Primary Examiner, Art Unit 2174

June 3, 2008

/Linh K Pham/

Examiner, Art Unit 2174